

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN J. RIPP,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-07-0675
	§	
UNIMARK, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

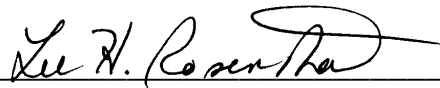
The plaintiff, Stephen J. Ripp, filed a notice with this court stating that he consents to dismissal so that he can seek the relief sought in this case against the defendants in arbitration held in Minnesota. The notice was filed following the Motion to Dismiss filed by defendants Medallion Capital, Inc., Stephen Lewis, Thomas F. Hunt, Jr., James Mackin, James H. Cullen and Mark Michel. The defendants agree to dismissal. Defendants previously moved to recover the costs incurred in defending this action in Texas. The plaintiff advises that, by agreeing to arbitration, he is not waiving any argument opposing such an award of costs. Based on the motion, response, and notice, the record, the parties' statements at the hearing held on June 30, 2007, and the absence of objections to the proposed order filed on July 17, 2007, the order is entered:

This case is dismissed without prejudice in favor of arbitration by the American Arbitration Association, in accordance with the agreement of the parties and the rules of the

AAA. The arbitration will be held in Minneapolis, Minnesota, at a location convenient for all parties.

The AAA arbitrator will determine the disputes under the contractual arbitration clause, including whether the defendants are entitled to recover the costs they incurred defending this lawsuit in Texas and, if so, the amount.

SIGNED on August 13, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Lee H. Rosenthal
United States District Judge